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EXAMINER	
PHAM, MICHAEL	

ART UNIT	PAPER NUMBER
2167	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/690,883	FISHER ET AL.	
	Examiner	Art Unit	
	MICHAEL D. PHAM	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 February 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *8-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *8-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Detailed Action

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/11/08 has been entered.

Status of claims

2. Claims 8-25 are pending, and claims 8-25 have been examined.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 8-13 and 20-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

MPEP 2106.01:

The claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." Both types of "descriptive material" are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive

material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)

Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because "[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.").

In particular, claim 8 recites "a collaborative design system". However claim 8 fails to contain any computer hardware that is used to implement the system so as to realize the functionality. Contrary to arguments made by some applicants, use of the word "system" does not inherently means that the claim is directed to a machine. Only if at least one of the claimed elements of the system is a physical part of a device can the system as claimed constitute part of a device or a combination of devices to be a machine within the meaning of 101. The body of claim 8 describes a data generation module, collection of HTML, and a page pointer table. All of which, is directed to software per se. Thus the body of claim 8 is merely an abstract idea and is being processed without any computer manipulation.

b. Claim 14-16 and 22-23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

MPEP 2106.01:

The claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." Both types of "descriptive material" are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d

at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)

Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because "[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.").

In particular, claim 14 recites "a collaborative design system". However claim 14 fails to contain any computer hardware that is used to implement the system so as to realize the functionality. Contrary to arguments made by some applicants, use of the word "system" does not inherently means that the claim is directed to a machine. Only if at least one of the claimed elements of the system is a physical part of a device can the system as claimed constitute part of a device or a combination of devices to be a machine within the meaning of 101. The body of claim 14 describes a data generation module, collection of HTML, and a page pointer table. All of which, is directed to software per se. Thus the body of claim 8 is merely an abstract idea and is being processed without any computer manipulation.

c. Claim 17-19 and 24-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In particular, claims 17 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 17 fails to fall within a statutory category of invention. It is directed to the program itself, not a process occurring as a result of executing the program, a machine programmed to operate in accordance with the program nor a manufacture

structurally and functionally interconnected with the program in a manner which enables the program to act as a computer component and realize its functionality. It's also clearly not directed to a composition of matter.

All other claims fail to resolve the deficiencies of the claims from which they depend, and are therefore further rejected.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 8-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over 2003/0014442 by Shiigi et. al. (hereafter Shiigi) further in view of U.S. Patent 6,424,980 by Iizuka et. al. (hereafter Iizuka).

Claim 8:

Shiigi discloses the following claimed limitations:

"a data generation module receiving raw data and generating from said raw data variable data for display;" [0045, an extension is any collection of functionality that can be added modularly to the core system, for example content elements, which may be static, dynamic, etc., new user interface elements for the editor for creating and modifying new content elements and editing of data from external sources within the object model. 0051, template extension inherits the structure of the master template but

includes three changes. First the previously unassigned navigation bar is defined, and thus becomes an assigned navigation bar. Accordingly, disclosing a data generation module (template extension) receiving raw data (unassigned navigation bar) and generating from said raw data variable data for display (assigned navigation bar).]

"a collection of hypertext mark up language (HTML) template files, ones of said HTML template files including placeholders in markup text for dynamic input data" [0040, a repository manager which provides an interface for the object model to a Structure Repository 50 for storing structural elements (templates) and to a content repository for storing content elements. 0050, the master template is defined as containing the structural formatting for a webpage, and three objects (content place holders for the actual content): a header, a navigation bar, and a footer. Accordingly, disclosing a collection of hypertext mark up language (HTML) template files (Structure Repository), ones of said HTML template files (template) including placeholders in markup text for dynamic input data (placeholders).]

"a page generation module selectively providing HTML documents from said HTML template files, said page generation module combining said variable data with said placeholders in selected said ones"[0052, a document is generated as the end result containing the sum total of all the objects that have been defined and/or changed. The header has been inherited from the master template. The navigation bar and the changed footer have been inherited from the template extension. Accordingly, disclosing a page generation module (document is generated) selectively providing HTML documents from said HTML template files (the header has been inherited from the master template), said page generation module combining said variable data with said placeholders in selected said ones (the navigarion bar and the changed footer have been inherited from the template extension).]

"each of said data generation module and said page generation module including a page pointer table with a single entry for each of said HTML template files, each said single entry for each of said ones pointing to a corresponding repeatable structure"[Fig. 4 assigning objects to templates and extensions

using tags. 0079, tag list 76A is generated with reference to template code 72A showing that tag1 is assigned a pointer for the actual content element for object1 which is stored at the corresponding address location in the content repository. 0055, the functionality of the system is enhanced by the use of pre-built objects stored in repositories for reuse in development of web site applications. Accordingly, disclosing each of said data generation module (extensions) and said page generation module (Assigning objects to templates) including a page pointer table (tag list) with a single entry for each of said HTML template files (tag list 76A), each said single entry for each of said ones pointing (pointers) to a corresponding repeatable structure (content repository: object1, object2)]

"said tabular data lists being displayed as a table on a generated HTML document."[0020, the serving process begins by retrieving the template hierarchy data and using the data to construct a table object which represents the combined HTML, runtime script, and object tags for the associated template hierarchy. 0064, object list – a list of objects that can be displayed by date, randomly, etc. Accordingly, said tabular data lists (object list) being displayed as a table (construct a table) on a generated HTML document (page).]

Shiigi does not explicitly disclose "a page map for tabular data lists in said corresponding repeatable data structure"

On the other hand, Iizuka discloses figure 11 an HTML document table and figure 12 a HTML document to table mapping table. Accordingly disclosing a page map (figure 12) for tabular data lists (figure 11) in said corresponding repeatable data structure (figure 9a and 10A, html documents).

Both Shiigi and Iizuka are within the same field of endeavor. That is, generating web pages. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Shiigi to have included an html document table and html document to table mapping table based on the disclosure of Iizuka for the purpose of providing a more organized method of mapping data for

html documents. Thereby improving web application generation and extending Shiigi's system for search methods.

Claim 9:

Shiigi discloses "wherein adding HTML template files increases the size of each of said data generation module and said page generation module only by the length of a corresponding single entry for each said added HTML template file."[figure 4. Accordingly, wherein adding HTML template files (content object) increases the size of each of said data generation module (assigning objects to extensions) and said page generation module (assigning objects to templates) only by the length of a corresponding single entry for each said added HTML template file (tag list).]

Claim 10:

Shiigi discloses "wherein each said single entry further includes a number indicating the length of said page map." [figure 4, tag1, tag2]

Claim 11:

Iizuka, "wherein at least one said page map includes a plurality of entries" (figure 12, see table entries) ", each of said plurality of entries pointing to a corresponding one of said tabular data lists" (figure 11).

Claim 12:

Shiigi discloses "wherein each entry in said plurality of entries includes an offset from a first listed data element and a number of listed data elements in said corresponding one."[Figure 4. Accordingly, wherein each entry in said plurality of entries(tag list 76A) includes an offset from a

first listed data element (tag2, undefined) and a number of listed data elements in said corresponding one (Tag list 72B, tag2)]

Claim 13:

Shiigi, "wherein design responsibility for each of said data generation module, said page generation module and said HTML template files is assignable to a different design group" [0099, users are able to edit both the structure and content of the website].

Claim 14:

Shiigi discloses the following claimed limitations:

"a data generation module receiving raw data and generating from said raw data variable data for display;" [0045, an extension is any collection of functionality that can be added modularly to the core system, for example content elements, which may be static, dynamic, etc., new user interface elements for the editor for creating and modifying new content elements and editing of data from external sources within the object model. 0051, template extension inherits the structure of the master template but includes three changes. First the previously unassigned navigation bar is defined, and thus becomes an assigned navigation bar. Accordingly, disclosing a data generation module (template extension) receiving raw data (unassigned navigation bar) and generating from said raw data variable data for display (assigned navigation bar).]

"a hypertext mark up language (HTML) template files collection, ones of said HTML template files including placeholders in markup text for dynamic input data" [0040, a repository manager which provides an interface for the object model to a Structure Repository 50 for storing structural elements (templates) and to a content repository for storing content elements. 0050, the master template is defined as containing the structural formatting for a webpage, and three objects (content place holders for the

actual content): a header, a navigation bar, and a footer. Accordingly, disclosing a hypertext mark up language (HTML) template files collection (Structure Repository), ones of said HTML template files (template) including placeholders in markup text for dynamic input data (placeholders).]

"a page generation module selectively providing HTML documents from said HTML template files, said page generation module combining said variable data with said placeholders in selected said ones"[0052, a document is generated as the end result containing the sum total of all the objects that have been defined and/or changed. The header has been inherited from the master template. The navigation bar and the changed footer have been inherited from the template extension. Accordingly, disclosing a page generation module (document is generated) selectively providing HTML documents from said HTML template files (the header has been inherited from the master template), said page generation module combining said variable data with said placeholders in selected said ones (the navigarion bar and the changed footer have been inherited from the template extension).]

"each of said data generation module and said page generation module including a page pointer table with a single entry for each of said HTML template files, each said single entry for each of said ones pointing to a corresponding repeatable structure"[Fig. 4 assigning objects to templates and extensions using tags. 0079, tag list 76A is generated with reference to template code 72A showing that tag1 is assigned a pointer for the actual content element for object1 which is stored at the corresponding address location in the content repository. 0055, the functionality of the system is enhanced by the use of pre-built objects stored in repositories for reuse in development of web site applications. Accordingly, disclosing each of said data generation module (extensions) and said page generation module (Assigning objects to templates) including a page pointer table (tag list) with a single entry for each of said HTML template files (tag list 76A), each said single entry for each of said ones pointing (pointers) to a corresponding repeatable structure (content repository: object1, object2)]

"said tabular data lists being displayed as a table on a generated HTML document."[0020, the page serving process begins by retrieving the template hierarchy data and using the data to construct a table object which represents the combined HTML, runtime script, and object tags for the associated template hierarchy. 0064, object list – a list of objects that can be displayed by date, randomly, etc. Accordingly, said tabular data lists (object list) being displayed as a table (construct a table) on a generated HTML document (page).]

Shiigi does not explicitly disclose "a page map for tabular data lists in said corresponding repeatable data structure"

On the other hand, Iizuka discloses figure 11 an HTML document table and figure 12 a HTML document to table mapping table. Accordingly disclosing a page map (figure 12) for tabular data lists (figure 11) in said corresponding repeatable data structure (figure 9a and 10A, html documents).

Both Shiigi and Iizuka are within the same field of endeavor. That is, generating web pages. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Shiigi to have included an html document table and html document to table mapping table based on the disclosure of Iizuka for the purpose of providing a more organized method of mapping data for html documents. Thereby improving web application generation and extending Shiigi's system for search methods.

Claim 15:

Shiigi discloses "wherein each said single entry further includes a number indicating the length of said page map." [figure 4, Tag list 76A, tag1 tag2]

Claim 16:

Shiigi discloses "wherein at least one said page map includes entries, each of said plurality of entries pointing to a corresponding one of said tabular data lists and each of said plurality of entries includes an offset from a first listed data element and a number of listed data elements in said corresponding one."[Figure 4. Accordingly, wherein at least one said page map includes entries (tag list 76a), and each of said plurality of entries includes an offset from a first listed data element (tag2, undefined) and a number of listed data elements in said corresponding one (tag list 76b, tag2).]

Shiigi does not explicitly disclose "each of said plurality of entries pointing to a corresponding one of said tabular data lists."

On the other hand, Iizuka discloses each of said plurality of entries (figure 12) pointing to a corresponding one of said tabular data lists (figure 11).

Both Shiigi and Iizuka are within the same field of endeavor. That is, generating web pages. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Shiigi to have included an html document table and html document to table mapping table based on the disclosure of Iizuka for the purpose of providing a more organized method of mapping data for html documents. Thereby improving web application generation and extending Shiigi's system for search methods.

Claim 17:

Shiigi discloses the following claimed limitations:

"computer readable program code means for receiving raw data and generating from said raw data variable data for display;" [0045, an extension is any collection of functionality that can be added modularly to the core system, for example content elements, which may be static, dynamic, etc., new user interface elements for the editor for creating and modifying new content elements and editing of data

from external sources within the object model. 0051, template extension inherits the structure of the master template but includes three changes. First the previously unassigned navigation bar is defined, and thus becomes an assigned navigation bar. Accordingly, disclosing computer readable program code means for receiving raw data (unassigned navigation bar) and generating from said raw data variable data for display (assigned navigation bar).]

"and storing generated said variable data according to a page pointer table," [figure 4, tag list 76b.]

"said page pointer table having a single entry for each of a plurality of hypertext markup language (HTML) files,"[tag list 76a]

"each said single entry pointing to a corresponding repeatable data structure and" [tag list 76a]

"said tabular data lists listing said generated data;"[0064, object list – a list of objects that can be displayed by date, randomly, etc. 0020, the page serving process begins by retrieving the template hierarchy data and using the data to construct a table object which represents the combined HTML, runtime script, and object tags for the associated template hierarchy.]

"computer readable program code means for defining said plurality of HTML files;" [0002, web site application development]

"computer readable program code means for selectively generating HTML documents from defined said HTML files and stored said variable"[0052, a document is generated as the end result containing the sum total of all the objects that have been defined and/or changed. The header has been inherited from the master template. The navigation bar and the changed footer have been inherited from the template extension.]

Shiigi does not explicitly disclose a page map for tabular data lists in said corresponding repeatable data structure.

On the other hand, On the other hand, Iizuka discloses figure 11 an HTML document table and figure 12 a HTML document to table mapping table. Accordingly, disclosing a page map (figure 12) for tabular data lists (figure 11) in said corresponding repeatable data structure (figure 9a and 10a, html documents).

Both Shiigi and Iizuka are within the same field of endeavor. That is, generating web pages. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Shiigi to have included an html document table and html document to table mapping table based on the disclosure of Iizuka for the purpose of providing a more organized method of mapping data for html documents. Thereby improving web application generation and extending Shiigi's system for search methods.

Claim 18:

Shiigi discloses "wherein each said single entry further includes a number indicating the length of said page map." [figure 4. tag1, tag2]

Claim 19:

Shiigi discloses "wherein each entry in each said page map includes an offset pointing to a corresponding one of said tabular data lists and a number of listed data elements in said corresponding one."[Figure 4. Accordingly, wherein at least one said page map includes entries (tag list 76a), and each of said plurality of entries includes an offset from a first listed data element (tag2, undefined) and a number of listed data elements in said corresponding one (tag list 76b, tag2).]

Claim 20:

Shiigi discloses "wherein said data generation module generates variable data from system parameters for a monitored system." [0039, whereas an object represents a type of element on a webpage and serves as a placeholder, a resource is the actual content element referenced by the placeholder, such as text, graphics, video or animation files.]

Claim 21:

Shiigi discloses "wherein said data generation module receives and formats raw data for a system and stores formatted system data in a local data store "[0039, object model which generates documents in response to client requests in a client/server network. The overall framework of the system is an objected-oriented environment consisting of templates, objects, documents, and resources which are used by the object model to generate webpages. Templates are structural elements that define the visual and programmatic structure of a webpage or set of webpages for a

particular web site application, by specifying the formatting of the webpages and the content objects that will appear or be used on the webpages. 0043, the archiver 20B is used to archive data generated by the object model and to import data to or export data from the repositories.].

Claim 22:

Shiigi discloses "wherein said data generation module generates variable data from system parameters for a monitored system" [0039, whereas an object represents a type of element on a webpage and serves as a placeholder, a resource is the actual content element referenced by the placeholder, such as text, graphics, video or animation files.]

Claim 23:

Shiigi discloses "wherein said data generation module generates variable data from system parameters for a monitored system." [0039, object model which generates documents in response to client requests in a client/server network. The overall framework of the system is an objected-oriented environment consisting of templates, objects, documents, and resources which are used by the object model to generate webpages. Templates are structural elements that define the visual and programmatic structure of a webpage or set of webpages for a particular web site application, by specifying the formatting of the webpages and the content objects that will appear or be used on the webpages. 0043, the archiver 20B is used to archive data generated by the object model and to import data to or export data from the repositories.]

Claim 24:

Shiigi discloses "wherein computer readable program code means for generating variable data comprises computer readable program code means for receiving system parameters for a monitored system and generating said variable data from received said system parameters." [0039, whereas an object represents a type of element on a webpage and serves as a placeholder, a resource is the actual content element referenced by the placeholder, such as text, graphics, video or animation files.]

Claim 25:

Shiigi discloses "wherein computer readable program code means for generating variable data comprises computer readable program code means for formatting raw data for a system" [0039, object model which generates documents in response to client requests in a client/server network. The overall framework of the system is an objected-oriented environment consisting of templates, objects, documents, and resources which are used by the object model to generate webpages. Templates are structural elements that define the visual and programmatic structure of a webpage or set of webpages for a particular web site application, by specifying the formatting of the webpages and the content objects that will appear or be used on the webpages. 0043, the archiver 20B is used to archive data generated by the object model and to import data to or export data from the repositories.]

Response to Arguments

7. Applicant's arguments filed 2/11/08 have been fully considered but they are not persuasive. Applicant's assert the following (lettered):

A. Applicant's assert that Shiigi does not disclose variable data. Asserting that while variable data is data, data is not necessarily variable data because text, graphics, video and animation files are fixed and do not vary. Further asserting "the final continues, asserting that 'the generating module generating variable data is an object model that creates content objects. Those objects represent different types of content elements that are to appear on the web pages. Therefore, the objects are variable pieces of data.' Where did this come from? Certainly not the present specification!". These assertions appear to be directed to the first limitation.

In response, applicant's use of the term variable is not necessarily consistent with applicant's specifications that variable data is a measurement or statistics. A measurement or a statistic does not necessarily have to be variable. A measurement or statistic data can be fixed just as text, graphics, and video and animation files. Further, while measurement can be variable, so can text, graphics, video and animation files be variable, as they can be composed of many different texts, graphics, video, and animation.

As to the asserted, where does this come from, that was an explanation of the present reference in relation to the claim limitation. An object model that creates content objects for websites is explained in the Shiigi reference. The reference of, which discloses the claimed limitation, "a

data generation module receiving raw data and generating from said raw data variable data for display."

Shiigi discloses 0045, an extension is any collection of functionality that can be added modularly to the core system, for example content elements, which may be static, dynamic, etc., new user interface elements for the editor for creating and modifying new content elements and editing of data from external sources within the object model. Further disclosing, 0051, template extension inherits the structure of the master template but includes three changes. First the previously unassigned navigation bar is defined, and thus becomes an assigned navigation bar. Accordingly, disclosing the claimed a data generation module (template extension) receiving raw data (unassigned navigation bar) and generating from said raw data variable data for display (assigned navigation bar).

B. Placeholders do not vary and therefore, are not variable data within the plain definitions of variable and data or "consistent with the specification". Place holders are varabel data renders this nonsensical. Applicant's appear to assert the limitation ones of said HTML templates files including placeholders in a markup text for dynamic input data is not taught.

In response, placeholders contain the variable data. Placeholders are allowed to contain different data, and therefore further meets the definition of variable data.

Furthermore, Shiigi discloses in 0045, an extension is any collection of functionality that can be added modularly to the core system, for example content elements, which may be static, dynamic, etc., new user interface elements for the editor for creating and modifying new content elements and editing of data

from external sources within the object model. In other words, because the content elements can be dynamic, this would be considered variable data.

Shiigi further discloses 0040, a repository manager which provides an interface for the object model to a Structure Repository 50 for storing structural elements (templates) and to a content repository for storing content elements. 0050, the master template is defined as containing the structural formatting for a webpage, and three objects (content place holders for the actual content): a header, a navigation bar, and a footer. Accordingly, disclosing a collection of hypertext mark up language (HTML) template files (Structure Repository), ones of said HTML template files (template) including placeholders in markup text for dynamic input data (placeholders).

C. Shiigi does not disclose receiving raw data. That none of Shiigi suggests or describes data that is unpolished, unfinished, or unprocessed.

In response, the examiner respectfully disagrees. Shiigi discloses 0051, template extension inherits the structure of the master template but includes three changes. First the previously unassigned navigation bar is defined, and thus becomes an assigned navigation bar. The unassigned bar is interpreted to be a raw form of a navigation bar. It is not until the navigation bar is defined in the extension step is it processed/changed to become an defined and assigned navigation bar. Accordingly, assertions directed to a raw data is unpersuasive.

D. Burrows does not disclose adding HTML template files increases the size of each data generation module and said page generation module only by the length of a corresponding said single entry for each said added html template.

In response, this is moot. After further review of Shiigi, it appears Shiiigi discloses this limitation. Shiigi discloses this in figure 4. Accordingly, wherein adding HTML template files (content object) increases the size of each of said data generation module (assigning objects to extensions) and said page generation module (assigning objects to templates) only by the length of a corresponding single entry for each said added HTML template file (tag list).

E. That Papierniak does not teach adding HTML template files increases the size of each data generation module and said page generation module only by the length of a corresponding said single entry for each said added html template.

In response, this is now moot. Please see D.

Conclusion

8. The prior art made of record listed on PTO-892 and not relied, if any, upon is considered pertinent to applicant's disclosure.

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael D. Pham whose telephone number is (571)272-3924. The examiner can normally be reached on Monday - Friday 9am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/M. D. P./
Examiner, Art Unit 2167

/John R. Cottingham/
Supervisory Patent Examiner, Art Unit 2167